

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-26, et al.,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., et al.,

Defendants.

Case No. 4:21-cv-01236-O

UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMITATION

Plaintiffs U.S. Navy SEALs 1-26, U.S. Navy Special Warfare Combatant Craft Crewmen 1-5, U.S. Navy Explosive Ordnance Disposal Technician 1, and U.S. Navy Divers 1-3 (“the SEALs”), by and through counsel, respectfully move this Court to allow them to file a reply brief in support of their motion for preliminary injunction exceeding the page limitation set by Local Rule 7.2(c). In support of this Motion, the SEALs respectfully state:

1. Pursuant to Local Rule 7.2(c): “A reply brief must not exceed 10 pages. . . .

Permission to file a brief in excess of these page limitations will be granted by the presiding judge only for extraordinary and compelling reasons.” The SEALs believe that compelling reasons exist to grant them leave to file a reply brief in support of their motion for preliminary injunction of 16 pages.

2. This case presents several compelling matters of public importance because it involves application of the Free Exercise Clause of the United States, U.S. Const. amend. I, the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq.*, the Administrative Procedure Act, 5 U.S.C. §§ 701-06, Department of Defense regulations, and Department of the Navy regulations.

See Compl. at ¶ 2.

3. Specifically, the SEALs seek a preliminary injunction protecting their religious liberty against the government's policies and actions related to the military COVID-19 vaccination mandate. *Id.* at ¶¶ 22-25. The SEALs sincerely held religious beliefs forbid each of them from receiving the COVID-19 vaccine for a variety of reasons based upon their Christian faith as revealed through the Holy Bible and prayerful discernment. Mot. Prelim. Inj. App. 870-1022, ECF No. 17.

4. The Court previously granted the SEALs a six-page extension for their brief in support of the motion for preliminary injunction. ECF No. 25. The Court also granted the Defendants a 15-page extension for their opposition brief to the motion for preliminary injunction. *Id.*

5. The SEALs' reply brief addresses not only the merits of their preliminary injunction request, but also the several jurisdictional arguments raised by Defendants, as well as rebuttal evidence from the 35 plaintiffs.

6. The SEALs have made a good faith effort to comply with the page limitation, but the complexity of the issues and the argument of the Defendants requires additional pages so that the Court has a complete factual and legal analysis. Thus, the SEALs respectfully submit that 16 number of pages is necessary to provide this Court with a proper reply brief.

7. Defendants do not oppose a reply brief of 16 pages.

WHEREFORE, the SEALs respectfully request that the Court grant this Unopposed Motion for Leave to Exceed Page Limitations and allow them to file a reply brief of 16 pages.

Respectfully submitted this 17th day of December, 2021.

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CERTIFICATE OF CONFERENCE

On December 17, 2021, I emailed Defendants' counsel for their position on this motion. Defendants' counsel stated that they do not oppose Plaintiffs' request for six extra pages for the reply brief.

/s/Heather Gebelin Hacker
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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2021, I electronically filed the foregoing document through the Court's ECF system, which automatically notifies counsel of record for each party.

/s/Heather Gebelin Hacker
HEATHER GEBELIN HACKER